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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/680,726	10/07/2003	Wiebke Neumann	117163.00093	8281
21324	7590 06/27/2006		EXAM	INER
HAHN LOESER & PARKS, LLP			MANUEL, GEORGE C	
One GOJO Pla Suite 300	ıza		ART UNIT	PAPER NUMBER
AKRON, OH	44311-1076		3762	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
Office Action Summary		10/680,726	NEUMANN ET AL.	
		Examin r	Art Unit	
		George Manuel	3762	
Period fo	The MAILING DATE of this communication ap or Reply	opears on the cover sheet with the	e correspondence address	
A SH WHIC - Exte after - If NC - Faill Any	ORTENED STATUTORY PERIOD FOR REP CHEVER IS LONGER, FROM THE MAILING I nsions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication. o period for reply is specified above, the maximum statutory perior are to reply within the set or extended period for reply will, by statu- treply received by the Office later than three months after the maili- ed patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICAT .136(a). In no event, however, may a reply but divided will apply and will expire SIX (6) MONTHS atte, cause the application to become ABAND	ION. e timely filed from the mailing date of this communication. DNED (35 U.S.C. § 133).	
Status				
2a)□	Responsive to communication(s) filed on <u>03 in</u> This action is <b>FINAL</b> . 2b) The Since this application is in condition for allowed closed in accordance with the practice under	is action is non-final. ance except for formal matters,		
Disposit	ion of Claims			
5) ☐ 6) ☒ 7) ☐ 8) ☐ <b>Applicat</b> i 9) ☐ 10) ☐	Claim(s) 1, 11, 12, 19-27 is/are pending in the day of the above claim(s) is/are withdray claim(s) is/are allowed.  Claim(s) 1, 11, 12, 19-27 is/are rejected.  Claim(s) is/are objected to.  Claim(s) are subject to restriction and/on Papers  The specification is objected to by the Examination The drawing(s) filed on is/are: a) acceptable acceptable and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Examination of the correct the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration is objected to by the Examination of the oath or declaration of the	awn from consideration.  for election requirement.  her. her. herefore both the dependence of the control of the control of the dependence	See 37 CFR 1.85(a). objected to. See 37 CFR 1.121(d).	
Priority ı	ınder 35 U.S.C. § 119			
12) [ a)	Acknowledgment is made of a claim for foreig  All b) Some * c) None of:  1. Certified copies of the priority documer  2. Certified copies of the priority documer  3. Copies of the certified copies of the priority document  application from the International Burea  See the attached detailed Office action for a lis	nts have been received.  Its have been received in Application or the second in the se	eation No eived in this National Stage	
2) 🔲 Notic 3) 🔲 Inforr	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 r No(s)/Mail Date	4) Interview Summ Paper No(s)/Mai 5) Notice of Inform 6) Other:		

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 11, 12 and 19-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Somdahl et al (U.S. Pat. No.6,445,948).

Somdahl clearly meets the structural limitations for compensating for discharge-induced swelling of the battery. The limitations of an underside of the component carrier being essentially flat and located adjacent to the flat side of the battery are met by a reasonable interpretation of the structure disclosed in Somdahl. The retainer 386 is capable of assuming a wide variety of forms and is disclose in Fig. 3(g) as being essentially flat and located adjacent to a flat side of the battery 380. The circuit 362 carries electronic components and is fixed to the flat side of the battery by element 366 that compensates for discharge-induced swelling of the battery by allowing the retainer 386 to effectively bias the battery 380.

Clearly, frame 366 provides joining elements that permit relative movement of the circuit 362 with respect to the battery 380.

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Somdahl provides further support for providing relative movement by the suggestion that frame 366 can be replaced by appropriately sized flanges extending from the side of right-hand shield 340.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.

George Manuel Primary Examiner Art Unit: 3762